UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/977,591	11/25/1997	JUNICHI NAKATA	450100-4193	3294

20999	7590	06/06/2005

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER
TRAN, HAI V

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	08/977,591	NAKATA ET AL.
	Examiner	**Art Unit**	
	Hai Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>1-18</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>19-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date <u>04/04/2005</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted on 12/30/2004 under 35

U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Arguments

Applicant's arguments, filed 12/30/2004, with respect to the rejection(s)of

claim(s) 19-40 over Harada (US 5721583) under 35 U.S.C. §102 and §103 have been

fully considered. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Iwamura (US 5883621)

and Theimer et al. (US 5544321).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 19-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Iwamura (US 5883621) in view of Theimer et al. (US 5544321).

Claim 19, Iwamura discloses an information signal transmission system (Fig.

1), comprising

A network interface (Fig. 2a-b; i.e., PHY 224) connected to a 1st presentation

device (i.e., DVCR1 108 of Fig. 1) and to a 2nd presentation device (i.e., DVD 106 of

Fig. 1) through a network 1394 (Col. 3, lines 20-57);

A control component (Fig. 2b; TC 306) connected to the network interface

(PHY 224) including a microcomputer (CPU 312) to control the information signal

transmission system;

Iwamura does not clearly disclose an information signal component

connected to the control component and to the network interface, including a

reproduction block to reproduce an information signal received from the control

component and an output block to code an information signal by the reproduction

block and output the information signal to the network interface; and an identification

component connected to the control component; Wherein while the information

signal component outputs an information signal to the first presentation device

through the network interface, the identification component stores identification data

indicating an identification code identifying a user, when the control component

receives a control request from the 2nd presentation device through the network

interface and the control request includes identification data indicating the

identification code identifying the user, the identification component determines that

the identification code of the identification data in the control request matches the

identification code of the identification data stored by the identification component

and sends a change request to the control component, the change device request

indicating the second presentation device, and when the control component receives

the change device request indicating the second presentation device, the control

component causes the information signal component to begin to output the

information signal to the 2nd presentation device through the network interface.

Theimer discloses an information signal component connected to the control

component and to the network interface, including a reproduction block to reproduce

an information signal received from the control component and an output block to

code an information signal by the reproduction block and output the information

signal to the network interface and an identification component (User Agent)

connected to the control component (Fig. 2); Wherein while the information signal

component outputs an information signal to the first presentation device through the

network interface, the identification component stores identification data indicating

an identification code identifying a user (Col. 10, lines 45-Col. 11, lines 11), when the

control component receives a control request from the 2nd presentation device

through the network interface and the control request includes identification data

indicating the identification code identifying the user, the identification component

determines that the identification code of the identification data in the control request

matches the identification code of the identification data stored by the identification

component and sends a change request to the control component (Col. 11, lines 20-

53; Col. 14, lines 58-65+), the change device request indicating the second

presentation device, and when the control component receives the change device

request indicating the second presentation device, the control component causes

the information signal component to begin to output the information signal to the 2nd

presentation device through the network interface (Col. 11, lines 57-59; Col. 15, lines

54-61). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Iwamura with Theimer so the system

could grants interaction requests that have location and contextual attributes that are

consistent with the specified interaction policies. The system then identifies in the

close proximity to the identified user, and determines a display property based on

the contextual attributes and the user profile properties (Col. 4,lines 42-55).

Claim 20, Theimer further discloses when the control component receives a

reserve request from the 1st presentation device through the network interface and

the reserve request includes identification data indicating the identification code

identifying the user, the identification component determines that the identification

code of the identification data in the reserve request matches the identification code

of the identification data stored by the identification component and sends a pause

command to the control component, the pause command indicating the 1st

presentation device, and when the control component receives the pause command

indicating the 1st presentation device (Col. 26, lines 22- Col. 27, lines 33), the control

component causes the information signal component to stop outputting the

information signal to the 1st presentation device through the network interface, such

that the information signal component begins to output the information signal to the

2nd presentation device from the point in the information signal when the control

component stopped outputting the information signal to the 1st presentation device

(Col. 27, lines 34-56);

Claim 21, Iwamura further discloses wherein the reproduction block is a video

reproduction block and the output block is a video output block (NTSC encoder,

OSD and video decoder; see Fig. 2a-b);

Claim 22, Theimer further discloses the identification component includes an

identification code detector for extracting an identification code indicated by

identification data in a control request and a determining component for comparing

an identification code indicated by stored identification data with an identification

code indicated by identification data extracted by the identification code detector

(Col. 14, lines 63-65+);

Claims 23-24, Theimer further discloses wherein the identification code

indicated by the identification data of the control request is received by the 2nd

presentation device from a remote control device (Col. 21, lines 54-Col. 22, line 30);

Claim 25, "wherein the 1st presentation device is a TV" is further met by

Iwamura (Fig. 1) in view of Theimer (Col. 28, lines 48-51).

Claim 26, Theimer further discloses wherein the identification code indicated

by the identification data of the control request is generated using voice recognition

and voice sample from the user (Col. 27, lines 135-40).

Claim 27, Theimer further discloses a remote control device that provides

identification data indicating the identification code identifying the user to the 2nd

presentation device (Col. 24, lines 3-26).

Claim 28, Theimer further discloses wherein the remote control device

includes an identification code detector that generates identification data indicating

the identification code identifying the user based on input received from the user

(Col. 21, lines 54-65+).

Claim 29, Theimer further discloses wherein the remote control device

includes a keypad for receiving input from the user (Col. 21, lines 54-65+).

Claim 30, method claim 30 is met by Iwamura in view of Theimer with respect

to the same analysis as discussed in apparatus claims 19.

Claim 31, method claim 31 is met by Iwamura in view of Theimer with respect

to the same analysis as discussed in apparatus claims 20.

Claim 32, Theimer further discloses wherein said information signal includes video information (Col. 28, lines 48-51).

Claim 33, method claim 33 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 23.

Claim 34, method claim 34 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 26.

Claim 35, method claim 35 is met by Iwamura in view of Theimer with respect to the same analysis as discussed in apparatus claims 20 and (Col. 11, lines 57-59; Col. 15, lines 54-61; col. 21, lines 54-Col. 22, line 30; and Col. 26, lines 22- Col. 27, lines 33);

Claim 36, Theimer further discloses:

Comparing attribute information of said 2nd presentation device with attribute information of an information signal system to determine compatibility between said 2nd presentation device and said information signal system (Col. 28, lines 60-Col. 29, lines 16);

Wherein the attribute information of said 2nd presentation device is included in said control request (Col. 29, lines 30-52), and

Wherein said information signal system outputs said information signal to said

2nd presentation device after determining that said 2nd presentation device and said

information signal system are compatible ('compatible' read on "format

computationally recognizable to any potential client of that device"; Col. 7, lines 38-

40).

Claim 37, Iwamura in view of Theimer discloses as discussed in claim 19, a

system for transmitting an information signal, comprising:

Means (Theimer, Fig. 3, 102) for storing identification data indicating an

identification code identifying a user (user profile);

Means (Iwamura; (Fig. 2a; PHY 224) for outputting an information signal to

1st presentation device through a network interface .

"Means for processing a control request from a 2nd presentation device

received through said network interface, said control request including identification

data indicating said identification code identifying said user" and "Means for

comparing the identification code of said identification data in said control request

with the identification code of said stored identification data" is further met by

Theimer; Col. 11, lines 20-53; Col. 14, lines 58-65+;

and "Means for starting to output said information signal to said second

presentation device through said network interface" is further met by Theimer; Col.

11, lines 57-59; Col. 15, lines 54-61.

Claim 38, the "Means for processing", "means for comparing" and the "means

for stopping" reads on the CPU to perform all the function claimed as "for comparing

the identification code of said identification data in said reserve request (from 1st

device) with the identification code of said identification data stored by said

identification component"; "for comparing the identification code of said identification

data in said reserve request (from 1st device) with the identification code of said

identification data stored by said identification component"; "for stopping outputting

said information signal" as discussed in claim 37 and in view of Theimer (Col. 26,

lines 22- Col. 27, lines 33);

Moreover, limitation "Wherein said information signal begin to be output to

said 2nd presentation device from the point in said information signal when said

information signal is stopped to be output to said 1st presentation device" is

further met by Theimer (Col. 27, lines 34-56);

Claim 39, Theimer further discloses:

Means for receiving said identification code identifying said user at a

remote control device (Col. 21, lines 54-Col. 22, line 30);

means for adding identification data indicating said identification code

identifying said user to said control request (Col. 26, lines 22- Col. 27, lines 33); and

Means for sending said control request to said 2nd presentation device (Col.

11, lines 57-59; Col. 15, lines 54-61).

Claim 40, Theimer further discloses:

Voice recognition means for generating an identification code based on a

voice sample received from a user (Col. 27, lines 135-40).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai Tran whose telephone number is (571) 272-7305.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
05/26/2005

HAI TRAN
PRIMARY EXAMINER